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## LABOUR & EMPLOYMENT DEPARTMENT

### NOTIFICATION

The 28th March 2006

No. 2733-li/1(J)-32/2004-L. E.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 6th February 2006 in Industrial Dispute Case No. 3/2005 of the Presiding Officer, Labour Court, Jeypore to whom the industrial disputes between the Management of Motabadi Service Co-operative Society, At/P.O. Motabadi, Via Buguda, Dist. Ganjam and its workman Shri Godabari Nayak, S/o. Chakrapani Nayak, At/P.O. Motabadi, Via Buguda, Dist. Ganjam, at present C/o Muna Pan Shop, At/P.O. Jharigan, Via Jharigan, Dist. Nabarangpur was referred for adjudication is hereby published as in the Schedule below :

### SCHEDULE

IN THE COURT OF THE PRESIDING OFFICER  
LABOUR COURT, JEYPORE, KORAPUT

INDUSTRIAL DISPUTE CASE No. 3 OF 2005

Dated the 6th February 2006

*Present :*

Shri R. K. Saran  
Presiding Officer, Labour Court  
Jeypore, Dist. Koraput.

*Between :*

The Management of  
Motabadi Service Co-operative Society  
At/P.O. Motabadi, Via Buguda  
Dist. Ganjam.

.. First Party—Management

*Versus*

Its Workman  
Shri Godabari Nayak  
S/o Chakrapani Nayak  
At/P.O. Motabadi Via Buguda  
Dist. Ganjam.  
At present  
C/o Muna Pan Shop  
At/P.O. Jharigan, Via Jharigan  
Dist. Nabarangpur.

.. Second Party–Workman

(Under Sections 10 and 12 of the Industrial Disputes Act, 1947)

*Appearances :*

For the Management	..	None
For the Workman	..	Self
Date of Argument	..	3-2-2006
Date of Award	..	6-2-2006

**AWARD**

This is a reference under Section 10(1), read with Section 12(5) of the Industrial Disputes Act, 1947 made by the State Government of Orissa in their Labour & Employment Department Memo No. 3022(5), dated the 19th March 2005 for adjudication of the dispute mentioned below :

“Whether the termination of service of Shri Godabari Nayak, ex-Peon by the Secretary, Motabadi Service Co-operative Society Ltd., Motabadi, Ganjam with effect from the 30th September 2002 is legal and/or justified ?

2. The present reference has been received as to decide whether the termination of the services of the workman, i.e. ex-Peon under the Management from the 30th September 2002 is legal or justified. In spite of valid notice by Regd. Post with A.D., the Management neither appeared nor contested the case and as such he is set *ex parte*, and the case is posted for *ex parte* hearing.

3. The second party workman to prove his case has examined himself as a witness and has stated that he was working as a Peon under the Management from the 10th February 1977 in the scale of pay of Rs. 300 per month till the 30th September 2002 continuously. But it has been stated by the second party workman that when he claimed more salary for which his service was terminated by the Management. The unchallenged testimony of the workman is believed to be true and he has also filed the appointment letter and order of termination. This being the position, the presumption is that, the workman has been illegally terminated by the Management without any reason whatsoever. This being the position, it is ordered that

the workman is to be reinstated in his post immediately. Since without any fault of the workman he has been removed and he has stated that after the order of termination till today he was not gainfully engaged anywhere, he should be given half of the back wages.

4. The reference is answered in favour of the second party workman and he is entitled to reinstatement in service with half of the back wages.

Dictated and corrected by me.

R. K. SARAN  
6-2-2006  
Presiding Officer  
Labour Court, Jeypore

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6-2-2006  
Presiding Officer  
Labour Court, Jeypore

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By order of the Governor  
N. C. RAY  
Under-Secretary to Government